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TO
Examiner H. Sheikh
Group Art Unit 1615

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MESSAGE

RE: US Application Nos.
09/899,026 and 10/290,333
For: Interview on November 9,
2004, at 10 AM.

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WILMER CUTLER PICKERING
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MEMORANDUM

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Date: November 8, 2004

To: Examiner Sheikh

From: Ed Grieff
Phone: 202-942-8453Re: Memorandum for Interview on November 9 at 10 AM
US Application No. 09/899,026 filed July 6, 2001
US Application No. 10/290,333 filed November 8, 2002

As requested, we are presenting this memorandum with attachments for our interview on Tuesday, November 9, 2004, at 10 AM.

I. US Application No. 09/899,026

(i) We would like to discuss the references in the pending office action, and the IDS that was previously filed. We have prepared a draft response that is attached as Exhibit A.

II. US Application No. 10/290,333

(i) We propose canceling the pending claims and replacing them with claims 166-176, as shown in the draft amendment attached as Exhibit B.

(ii) The proposed claims generally correspond to those that were granted in US Patent No. 6,652,881, attached as Exhibit C.

(iii) To support the new claims, we will re-file the Reginault Declaration (attached as Exhibit D) that was filed during prosecution and which led to the grant of US Patent No. 6,652,881.

(iv) We also intend to file a Declaration by Pascale Blouquin discussing dissolution profile experiments conducted by the assignee, Laboratoires Fournier, after the French priority date of January 17, 1997, but prior to the US filing date of January 9, 1998 (draft declaration attached as Exhibit E at ¶¶ 1-14).

(v) The Declaration by Pascale Blouquin will also provide additional confirmation that the claims are patentable over Curtet based on unexpectedly superior results for the dissolution profile data shown in the laboratory notebooks (draft declaration attached as Exhibit E in ¶¶ 15-16).

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